IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

TUESDAY, THE 9TH JANUARY 2007 / 19TH PAUSHA 1928

WP(C).No. 557 of 2007(N)

PETITIONER:

BABU THOMAS,
VELOOKUNNEL HOUSE, NADAKKAL P.O.
ERATTUPETTA.

BY ADV. SRI.G.PRABHAKARAN

RESPONDENTS:
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1. THE REGIONAL TRANSPORT AUTHORITY,
KOTTAYAM
REP. BY ITS SECRETARY.

2. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
KOTTAYAM.

3. JOBY JACOB, NAMBUDAKATH,
MOONILAVA, MANCOMBU,
KOTTAYAM DISTRICT.

4. P.D.THOMAS, PULICKAL HOUSE,
PTMS,
ERATTUPETTA.

5. STATE TRANSPORT APPELLATE TRIBUNAL,
ERNAKULAM.

BY ADV. SRI.P.DEEPAK
SRI.A.INEES
GOVERNMENT PLEADER SRI.M.A.FAYAZ

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO.557/2007

APPENDIX

PETITIONR'S EXHIBITS

EXT.P1: TRUE COPY OF THE PROCEEDINGS DT.25.8.2006.

EXT.P2: TRUE COPY OF THE PROCEEDINGS DT.15.7.2000.

EXT.P3: TRUE COPY OF THE PROCEEDINGS DT.14.11.2006.

EXT.P4: TRUE COPY OF THE IMPLEADING PETITION DATED 29.12.2006.

EXT.P5: TRUE COPY OF THE ORDER DATED 22.12.2006 IN M.V.A.R.P.NO.567/2006.

//TRUE COPY//

P.A. TO JUDGE

P.R.RAMAN, J.

W.P.(C) NO. 557 OF 2007

Dated this the 9th day of January, 2007

J U D G M E N T

The petitioner is a regular stage carriage permit holder operating on the route Poonjar-Ernakulam Kaloor with Stage Carriage Vehicle KL-5/U 9198 with a settled set of timings. He is also operating a regular stage carriage permit in the route Teekoy-Kaloor of another vehicle KL-5/W 207. While so, the 3rd respondent has been grated a regular permit on the route Mancombu-Ernakulam-Kaloor Bus Stand to the stage carriage vehicle KL-6/B 8250 and the timing conference was conducted on 14.11.2006 and the timings were settled.

2. By hearing 64 operators including the petitioner, 3rd and 4th respondents and taking into account all the various objections raised by the parties that final timings were settled for the vehicle belonging to the 3rd respondent. However, the 4th respondent aggrieved by the timings settled in favour of the third respondent preferred a revision before the STAT. The STAT remanded the matter allowing the revision as per Exhibit P5. It is the case of the petitioner that when the various parties had raised

objection and final timings were settled, necessarily others also should have been made a party in the revision before the STAT and the petitioner however was not a party in the revision. Though he filed impleading petition, the STAT advanced the revision even before considering the impleading application. As a result, the petitioner could not raise his grievance before the STAT. In such circumstances, he challenges Exhibit P5 order as violative of the principles of natural justice. Besides that Exhibit P5 has been passed without impleading necessary parties.

3. Notice was issued by special messenger. The 4th respondent who was the revision petitioner in M.V.A.R.P.No.567 of 2006 was the only affected party and hence he moved a revision before the Tribunal. All that has been done in this case is to remand the matter so that the petitioner if he has got any grievance in the matter can raise it before the Secretary, RTA concerned.

4. The Government pleader appearing on behalf of the State would also submit that now that the matter is remanded to the Secretary, RTA for settling fresh timings, petitioner could very well raise his objections which necessarily be considered by the

Secretary, RTA before finally settling the timings.

5. The 3rd respondent was heard in the matter. According to the 3rd respondent in order to avoid a clash, the rest timings can be taken away. Now that the matter is remanded to the Secretary, RTA, Kottayam and after hearing all the parties, the following order is issued.

6. Since STAT has passed an order without hearing all the affected parties, while passing fresh orders by the Secretary, RTA, the objections if any of the other parties including the petitioner shall also be heard before final settlement of the timings in favour of the 3rd respondent.

7. Notice shall be published in the notice board besides individual notice shall be given to the parties separately.

Writ petition is disposed of as above.

P.R.RAMAN, JUDGE

Rp